IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

-

WRIT PETITION NO : 33584 of 1998

Between:

G.Gnaneshwar, S/o. G.Anjaiah,
R/o. H.No. 4-5-884, Badi Chowdi, Kriperambagh,
Sultan Bazar, Hyderabad.

..... PETITIONER

AND

1. The Presiding Officer, Labour Court-I,
   Hyderabad.
2. The Depot Manager, A.P.S.R.T.C.,
   Musheerabad Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Certiorari after calling for the records from the Labour Court-I, Hyderabad in I.D.No.22/93 and quash the award dated 15-6-93 and consequently direct the second respondent to reinstate the petitioner in to service with continuity of service, back wages and all other attendant benefits.

Counsel for the Petitioner: MR.P.SUDHEER RAO/G.Vidyasagar

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Mr V.T.M.Prasad (SC for APSRTC)

The Court made the following:

ORDER:

This writ petition is filed by the workmen being aggrieved by the Award, dated 15th June, 1993, passed by the Labour Court-I, Hyderabad in I.D.No.22 of 1993.

It is the case of the petitioner that while he was working as a conductor in the A.P.S.R.T.C. bus depot, Musheerabad and conducting bus on the Route No.190, on 12.04.1984, a check was exercised and certain irregularities were found. Therefore, the petitioner was issued with a charge sheet and he submitted a detailed explanation on 15.04.1984. Having not satisfied with the explanation submitted by the petitioner, the respondent suspended the petitioner and ordered for conducting a detailed enquiry into the matter. After conducting a detailed enquiry and after following the formalities, the petitioner was served with show cause notice of removal on 17.07.1984 and ultimately removed from service with effect from 31.07.1984. Aggrieved by the same, the petitioner preferred an appeal before the Deputy Chief Traffic Manager (City) and the same was rejected on 25.04.1984. The petitioner further preferred a review petition before the Regional Manager and the same was also rejected on 06.07.1985. Thus, the petitioner having no other option, raised an Industrial Dispute and the matter was referred to the Labour Court for adjudication.

Before the Labour Court, according to the petitioner, though there is lot of evidence to show that the respondents have not conducted the enquiry properly and also to show that the charges are trivial in nature and the petitioner is entitled for relief and the punishment imposed on the petitioner is disproportionate, the Labour Court rejected the case of the petitioner holding that he is not entitled for any relief..

No counter affidavit is filed.

I have given earnest consideration to the respective submissions made by the learned counsel on either side and perused the order passed by the Labour Court

and other material made available on record. At the outset, I am of the opinion that the writ petition is filed belatedly i.e., after more than five years of the award passed by the Labour Court in the year 1993. Apart from that the Labour Court has not committed any error requiring interference of this Court under Article 226 of the Constitution of India.

The petitioner did not collect money and issue tickets to 10 passengers, further against one passenger though he had collected the requisite fare, he did not issue ticket, though the bus had travelled more than two stages. Further the petitioner did not close the S.R. of all the denominations of tickets to the point of check. No irregularity or illegality committed by the enquiry officer or the disciplinary authority was brought to the notice of the Labour Court. Therefore, the Labour Court rightly found, on the basis of evidence available on record, that the charges are proved in full.

Further as noticed by the Labour Court, the petitioner has given general explanation that he was seriously perturbed upon finding irregularities in the first check and therefore, there were irregularities committed in the second check. This itself would show that the petitioner having committed irregularities just before the present check could not have repeated the same once again. Therefore, the finding of the Labour Court that the petitioner has committed irregularities of not issuing tickets to several passengers hours latter the first check, would itself show the tendency of committing fraud by the petitioner. Apart from this, the Labour Court also had taken into consideration of the past conduct of the petitioner for considering grant of any relief. The past conduct of the petitioner was disheartening. He suffered several punishments and his increments were deferred 14 times, his security deposit was forfeited twice and he was warned
18 times and suspended three times prior to the present misconduct and removal from service. Looking from any angle it does not inspire confidence of the Court to interfere with the award passed by the Labour Court while exercising jurisdiction under Article 226 of the Constitution of India. Further it is curious to note that the I.D. was disposed of on 15th June, 1993, whereas the present writ petition is filed on 23rd November, 1998 i.e. after more than five years. There is no plausible explanation offered by the petitioner in approaching this Court with such an inordinate delay of five and half years.

For all the above reasons, the writ petition is dismissed. No order as to costs.

_____

15-07-2005

kvrm

To

1. The Presiding Officer, Labour Court-I,
   Hyderabad.
2. The Depot Manager, A.P.S.R.T.C.,
   Musheerabad Hyderabad.

3. 2 CCs to G.P. for Labour, High Court Buildings, Hyderabad

(OUT)

4. 2 CD copies.